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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 22, 2001

STATE CORPORATION COMMISSION

Ex Parte: In re:
Petition for approval
of NPA relief plan
for the 540 area code

CASE NO. PUC990207

ORDER ON AREA CODE RELIEF

On November 2, 1999, the North American Numbering Plan Administrator ("NANPA"), on behalf of the Virginia telecommunications industry ("industry"), filed a Petition requesting that the State Corporation Commission ("Commission") order a plan of relief for the projected exhaustion of NXX codes¹ in the 540 area code. The Petition set forth four alternative relief plans considered by the industry, none of which attracted industry consensus support. The four alternative relief plans include one all-services distributed overlay and three two-way geographical splits.

On December 29, 1999, the Commission entered an Order Assigning Hearing Examiner, which further provided that the Hearing Examiner convene, after notice published by the Commission's Division of Communications, hearings within the

¹ An NXX code is the central office code or the three digits that follow the area code in a phone number.

Numbering Plan Area ("NPA")² served by the 540 area code to receive public comments.

Local hearings were conducted by the Hearing Examiner on February 24, 2000, in Abingdon; on February 29, 2000, in Harrisonburg; and on March 1, 2000, in Front Royal. On March 22, 2000, a final hearing was convened in the Commission's courtroom in Richmond. At the conclusion of the hearing, leave was granted to file written comments by April 18, 2000.³ Public witnesses testified in all public hearings, and over ninety letters and written comments were received by the Commission in this proceeding.

On October 26, 2000, the Report of Deborah V. Ellenberg, Chief Hearing Examiner (hereinafter, Hearing Examiner's Report) was filed, together with a copy of the transcript of the several hearings.

The Chief Hearing Examiner recommended Alternative 5B, a phased implementation of Staff's recommended three-way geographic split. Under this proposal, the 540 area would be

² The 540 NPA was created by splitting the 703 area code and was mandatory in January 1996 as the result of the exhaust of the 703 area code. The 540 NPA spans the entire western state boundary of Virginia and includes largely rural areas with several distinct metropolitan pockets. (Hearing Examiner's Report, pp. 16 and 18.)

³ This round of comments was to allow an opportunity to give more considered comments on the three relief alternatives (numbered 5, 5A, and 5B) introduced in Staff's prefiled testimony, which were developed in response to public input in the local hearings.

initially split into Area A/B and Area C. Area C in the far Southwest would be assigned a new area code. Area A/B could retain 540 for an estimated additional four years before Area B, Roanoke and the surrounding communities, would receive a new area code. Area A, with 42 percent of the access lines in the present 540 NPA, would experience no change.

In addition to recommending Alternative 5B for area code relief for the 540 NPA, the Chief Hearing Examiner found that the impact of changes in area codes can be further minimized by grandfathering wireless phones, which would avoid the time and expense of returning phones for the purpose of having them reprogrammed. The Chief Hearing Examiner recommended permitting wireless carriers in Area C, and later B, the option of allowing their customers to permanently retain their existing telephone numbers.

Comments on the Hearing Examiner's Report were filed by Cox, the Virginia Cable Telecommunications Association, Verizon Virginia Inc., Verizon South Inc., and Verizon Wireless. Comments were also filed by the City Council of Martinsville; the Martinsville-Henry County Chamber of Commerce; the Boards of Supervisors of Patrick County, Bath County, and Rockbridge County; four members of the Virginia General Assembly; and several individuals. NeuStar Inc., as the designated NANPA,

filed its response to the Hearing Examiner's Report by providing NPA codes available for assignment in area code relief.

The Commission concludes from its review of the Hearing Examiner's Report and the record in this case, including the comments filed, that the phased implementation of the three-way geographic split presented in Alternative 5B is the most appropriate area code relief for the 540 NPA. Therefore, the Commission adopts the findings in the Hearing Examiner's Report and approves Alternative 5B for area code relief for the 540 NPA.

A number of requests were made to avoid a geographical split of certain communities of interest which results from our adoption of Alternative 5B. The Commission has considered modifications of Alternative 5B to accommodate these requests. However, all such modifications would violate Federal Communications Commission ("FCC") mandated guidelines that prevent rate center splits without prior approval by the FCC. Even if approval were obtained, splitting rate centers between two area codes would require some customer telephone numbers to be changed to accommodate two area codes within a rate center. A further consequence of splitting rate centers to preserve certain communities of interest is that the number of local calling routes that would require 10-digit dialing would

increase and no longer be minimized as they have been in Alternative 5B.

The schedule for implementation of the first phase of area code relief, splitting Areas B and C and establishing a new code for Area C, should be as follows: customer education and network preparation should be completed within six months or by September 1, 2001; and a period of permissive dialing should begin on September 1, 2001, and extend for approximately six months through March 16, 2002, at which time mandatory dialing will commence.

Finally, we consider the Hearing Examiner's recommendation to permit wireless carriers in Area C, and later Area B, the option of allowing their customers to retain their existing telephone numbers. As we noted in our Order in Case No. PUC990159, issued December 1, 2000 (granting area code relief for the 804 NPA), we are concerned that allowing an open-ended period for wireless customers to retain their telephone numbers in Areas C and B potentially could tie up codes needed for assignment in Area A. Therefore, the Commission adopts the Hearing Examiner's third recommendation with the modification that the wireless customers in Area C may retain their telephone numbers no longer than two years following the date of this Order. This should accommodate the public convenience while allowing these customers adequate time to return their

telephones for reprogramming. We anticipate similar treatment for Area B's wireless customers at the time of its split from Area A if still appropriate.

Accordingly, IT IS ORDERED THAT:

(1) The area code relief described in Alternative 5B, phased implementation of the Staff's three-way geographic split as recommended by the Hearing Examiner, is hereby approved.

(2) Implementation of the area code relief ordered should follow the schedule as set out in the findings above.

(3) The wireless carriers in Area C of the approved area code relief plan shall be granted the option of allowing their customers to retain their existing telephone numbers for a period of two (2) years from the date of this Order.

(4) This case shall remain open for future orders concerning the timing and implementation of splitting Areas A and B.